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EXAMINER	
OLSON, LARS A	

ART UNIT	PAPER NUMBER
3617	

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/821,140	MATAYA, ROBERT F.	
	Examiner	Art Unit	
	Lars A Olson	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,6-8,10-12,15,17-19,21 and 22* is/are rejected.

7)☒ Claim(s) *4,5,9,13,14,16 and 20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhoda (US 3,840,319).

Rhoda discloses a mold insert for use with boat hull molds, as shown in Figures 1-14, that is configured to form an inboard/outboard propulsion system passageway in a boat hull, said insert being comprised of a semi-rigid body, defined as Part #16, having an inboard surface, an outboard surface, and a tapered sidewall that spans between said inboard and outboard surface.

Rhoda, as set forth above, discloses all of the features claimed except for the use of an insert with a body having a shore D hardness value of less than 90, a shore A hardness value of greater than 65, and a material selected from polyurea, polyurethane, and a polyurea/polyurethane compound.

The use of a mold insert body that is made from a specific material would be considered by one of ordinary skill in the art to be an obvious design choice based upon the required strength and physical characteristics of the material for said insert body.

The use of a mold insert body with a specific shore A or shore D hardness value would also be considered by one of ordinary skill in the art to be an obvious design choice based upon the required strength and flexibility of the material for said insert body.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a mold insert body made from a specific material having a specific shore A and shore D hardness value in combination with the mold insert as disclosed by Rhoda for the purpose of providing a mold insert for use in the fabrication of a boat hull that is both strong and flexible in order to facilitate the formation of an inboard/outboard propulsion system passageway in said boat hull.

3. Claims 1-3, 6-8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhoda in view of Jester et al. (US 3,503,583).

Rhoda, as set forth above, discloses all of the features claimed except for the use of a mold insert body having a base surface that forms a perimeter lip at its intersection with a plurality of sidewalls.

Jester et al. discloses a mold insert, as shown in Figures 1 and 2, where said mold insert, defined as Part #6, is comprised of four sidewalls and a base surface that forms a perimeter lip at its intersection with said sidewalls, as shown in Figure 2.

The use of a mold insert body that is made from a specific material would be considered by one of ordinary skill in the art to be an obvious design choice based upon the required strength and physical characteristics of the material for said insert body.

The use of a mold insert body with a specific shore A or shore D hardness value would also be considered by one of ordinary skill in the art to be an obvious design choice based upon the required strength and flexibility of the material for said insert body.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a mold insert body with a base surface that forms a perimeter lip at its intersection with a plurality of sidewalls, as taught by Jester et al., in combination with the mold insert as disclosed by Rhoda for the purpose of providing mold insert body for use in the fabrication of a boat hull with a base surface that facilitates connection with a boat hull mold structure.

4. Claims 15, 17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhoda in view of Hordis et al. (US 5,601,049).

Rhoda also discloses a process for fabricating a watercraft hull with an inboard/outboard propulsion system passageway, as shown in Figures 1-14, said process including the steps of providing a mold insert in the form of a semi-rigid body, defined as Part #16, having an inboard surface, an outboard surface and a sidewall between said inboard and outboard surface, attaching said mold insert to a surface of a mold that is configured to shape an outer surface of said watercraft hull, as described in lines 51-57 of column 3, and removing said mold insert from said watercraft hull in order to expose an inboard/outboard propulsion system passageway molded in said watercraft hull, as described in lines 38-43 of column 1.

Rhoda, as set forth above, discloses all of the features claimed except for the use of process steps for fabricating a watercraft hull that include applying a gel coat to a boat hull mold structure in order to form an outermost surface of a watercraft hull, applying one or more laminate layers over the outermost surface of said watercraft hull, curing said laminate layers to form a finished watercraft hull, and demolding said finished watercraft hull from said boat hull mold structure.

Hordis et al. discloses a method for fabricating a watercraft hull, as shown in Figures 1-4, that includes the steps of applying a gel coat, defined as Part #13, to a boat hull mold structure, defined as Part #32, in order to form an outermost surface of a watercraft hull, as shown in Figure 2A, applying one or more laminate layers, defined as Parts #16-18, over the outermost surface of said watercraft hull, as shown in Figure 2A, curing said laminate layers in order to form a finished watercraft hull, and demolding said finished watercraft hull from said boat hull mold structure, as shown in Figure 2.

The use of a mold insert body that is made from a specific material would be considered by one of ordinary skill in the art to be an obvious design choice based upon the required strength and physical characteristics of the material for said insert body.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a process for fabricating a watercraft hull that includes the steps of applying a gel coat to a mold structure for a watercraft hull, applying one or more laminate layers to said watercraft hull, curing said laminate layers to form a finished watercraft hull, and demolding said finished watercraft hull from said mold structure, as taught by Hordis et al., in combination with the process for fabricating a

watercraft hull with an inboard/outboard propulsion system passageway as disclosed by Rhoda for the purpose of providing a process for fabricating a watercraft hull that includes the use of a mold insert for forming an inboard/outboard propulsion system passageway in order to facilitate the formation of a propulsion system passageway in a molded watercraft hull, and reduce the amount of material required to form a molded watercraft hull with a propulsion system passageway.

5. Claims 18, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhoda in view of Hordis et al., and further in view of Jester et al.

Rhoda in combination with the teachings of Hordis et al. shows all of the features claimed except for the use of a mold insert body that is formed with a perimeter lip, and a release agent that is applied to a mold structure.

Jester et al., as previously cited, discloses a mold insert, defined as Part #6, that is comprised of four sidewalls and a base surface that forms a perimeter lip at its intersection with said sidewalls, as shown in Figure 2. Jester et al. also discloses the use of a release agent that is applied to said mold insert, as described in lines 55-58 of column 3.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a mold insert body that is formed with a perimeter lip, and a release agent that is applied to said mold insert body, as taught by Jester et al., in combination with the process for fabricating a watercraft hull with an inboard/outboard propulsion system passageway as disclosed by Rhoda and the teachings of Hordis et al. for the purpose of providing a process for fabricating a watercraft hull that includes

the use of a mold insert for forming an inboard/outboard propulsion system passageway in order to facilitate the formation of a propulsion system passageway in a molded watercraft hull, and to facilitate the release of said mold insert from a molded watercraft hull.

Allowable Subject Matter

6. Claims 4, 5, 9, 13, 14, 16 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nebesar (US 2,617,126) discloses a molded boat hull that includes a transom insert portion.

8. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

February 10, 2005

LARS A. OLSON
PRIMARY EXAMINER

2/10/05